

## **MINUTES, LIMESTONE COUNTY COMMISSION, MAY 28, 2014**

The Limestone County Commission reconvened the meeting from May 19, 2014 at 10:00 a.m. today at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.

Present: Gary Daly, Steve Turner, James W. "Bill" Latimer, and Ben Harrison. Absent: None. Stanley Menefee, Chairman presided.

**MOTION** was made by Ben Harrison and seconded by James W. "Bill" Latimer to suspend the Rules of Order to approve an ALDOT Agreement.

The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by James W. "Bill" Latimer to authorize the Chairman to execute the following agreement.

### **MEMORANDUM OF AGREEMENT**

#### **BETWEEN THE STATE OF ALABAMA AND THE LIMESTONE COUNTY COMMISSION REGARDING REMOVAL AND DISPOSAL OF DEBRIS**

This Memorandum of Agreement is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as ALDOT; and the Limestone County Commission, hereinafter referred to as COUNTY; and

WHEREAS, ALDOT has control of and responsibility for maintenance and upkeep of the right of way on state roads and US routes; and

WHEREAS, a natural disaster or event that requires the removal of storm debris from the right of way on state roads and US routes could occur at any time; and

WHEREAS, after a first pass by ALDOT to remove storm debris from the right of way on state roads and US routes there is storm debris from private property that has been placed on state right of way; and

WHEREAS, ALDOT finds it to be in its best interest to have a Memorandum of Agreement with the COUNTY to perform debris removal operations on right of way on state roads and US routes in which debris was placed thereon by owners of private property; and

NOW, THEREFORE, the parties hereto agree as follows:

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1. ALDOT authorizes the COUNTY, its agent or its contractor to enter upon the state right of way at its discretion in order to arrange, order, gather, or otherwise marshal debris caused by or related to the debris resulting from an event or disaster and remove and dispose of the debris placed thereon by owners of private property.
2. This Agreement shall commence when executed by both parties and shall continue until terminated as provided herein, amended, or replaced with a new agreement. Except for as provided herein, this Agreement may be terminated with or without cause by either party upon ninety (90) days written notice. During a declared local, state, or federal state of emergency neither party shall be allowed to terminate this Agreement until the declared state of emergency has expired. If the COUNTY has authorized a contractor to remove debris in response to a disaster, the terms of this Agreement shall survive the termination of Agreement for those areas which have been responded to prior to the termination until final payment and reimbursement is made for such debris removal.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date indicated below, and, each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

**ATTEST:**

LIMESTONE COUNTY, ALABAMA

\_\_\_\_\_  
As Clerk (Signature)

\_\_\_\_\_  
As Chairman (Signature)

\_\_\_\_\_  
Type Name of Clerk

\_\_\_\_\_  
Type Name of Chairman

Date: \_\_\_\_\_, 2014

Date: \_\_\_\_\_, 2014

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jim R. Ippolito, Jr.  
Chief Counsel  
Alabama Department of Transportation

**RECOMMENDED FOR APPROVAL:**

\_\_\_\_\_  
John E. Lorentson, Deputy Director - Operations  
Alabama Department of Transportation

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### APPROVED:

\_\_\_\_\_ Date: \_\_\_\_\_, 2014  
John R. Cooper, Director  
Alabama Department of Transportation

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

Chairman Menefee said the offices at the Courthouse are now moving to their temporary location at 503 South Jefferson Street.

Commissioner Latimer stated he will be out of town next week for a conference in Mobile.

Commissioner Harrison stated the Public Library has given permission to utilize their parking lot for additional parking for the temporary Courthouse.

Items were discussed for the June 3, 2014 agenda.

Adjourned at 10:13 a.m.